



City of Boston
Mayor Martin J. Walsh
Licensing Board

Commissioners:
Kathleen M. Joyce, Chairman
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Executive Secretary:
Lesley Delaney Hawkins

**THE LICENSING BOARD FOR THE CITY OF BOSTON'S ADVISORY REGARDING
THE STATUS OF THE ONGOING PROHIBITION OF ON-PREMISE CONSUMPTION
OF FOOD AND ALCOHOL, THE LIMITATION ON CAPACITY, AND THE CLOSURE
OF NON-ESSENTIAL BUSINESSES**

Issued: March 23, 2020

On March 23, 2020, due to the ongoing public health crisis, Governor Charles Baker issued an Executive Order (the "Order") further limiting the number of individuals who can assemble at any given time to ten (10) and ordering the temporary closure of certain non-essential businesses effective Tuesday, March 24, 2020, at 12:00p.m.

In order to provide further clarity, the Licensing Board for the City of Boston (the "Board") issues this advisory regarding the status of the prohibition of on-premise consumption of food and alcohol, the limitation on capacity, and the closure of non-essential businesses (the "Advisory"). This Advisory is mandatory and applies to both licensees holding a common victualler food only license and those holding a common victualler with alcoholic beverages license (the "Licensees").

1. No Licensee may at any time allow more than ten (10) individuals in the licensed premise including staff.
2. Licensees offering food for take-out or delivery have been deemed essential and may continue operations pursuant to the Order and the Advisory.
3. Businesses deemed essential include grocery stores, gas stations, pharmacies, retail package stores, and licensed medical marijuana establishments and, as such, may remain in operation during normal business hours at this time while adhering to the Order and the Advisory while limiting the total number of individuals to ten (10) at all times including staff.
4. All establishments must abide by the CDC's social distancing guidelines.
5. Any failure to adhere to the Order or the Advisory will result in disciplinary action by the Board which may include, but not be limited to, the immediate suspension of the license.

The following remain in effect from the Board's previous advisories:

6. No establishment may serve food or alcoholic beverages for on-premise consumption. This means a complete prohibition on the sale and service of alcohol by Section 12 Licensees. It has come to the Board's attention that certain Licensees have continued to serve food and/or alcohol for on-premise consumption to friends, family, and staff

members. This practice will not be allowed and will result in disciplinary action by the Board. No Licensee may offer food and/or alcohol for on-premise consumption to any individual regardless of relation to ownership or employment status with the Licensee. The only exception to this is for on-duty employees on their scheduled breaks consuming food (no alcohol) while adhering to the CDC's social distancing guidelines.

7. Massachusetts General Law does not permit Section 12 Licensees to sell alcoholic beverages for off-premise consumption (take-out or delivery). To do so is presently illegal. At this time, there is no exception to the current state of the law.
8. All seating in a licensed premise must be either removed, turned over, or roped off.
9. Any restriction or regulation prohibiting take-out or delivery of food is temporarily lifted.

The Advisory is issued in response to the ongoing public health crisis related to the spread of COVID-19 (coronavirus) and will be strictly enforced by the Board and the Boston Police Department. Failure to adhere to any of the above or any other of the Rules and Regulations of the Board, the Alcoholic Beverages Control Commission, or the Commonwealth of Massachusetts regarding the sale and service of alcohol will result in disciplinary action from the Board including, but not limited to, the immediate suspension of the license.

Claims of ignorance of the law, the Order, or the Advisory are not a defense.

Please refer to [boston.gov/coronavirus](https://www.boston.gov/coronavirus) for more information on COVID-19. Any questions should be directed to the Board's Executive Secretary, Lesley Delaney Hawkins, Esq., who can be reached at (617) 635-4170 or Lesley.hawkins@boston.gov.

For the Board,

Lesley Delaney Hawkins

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Executive Secretary & General Counsel